

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH CAROLINA -
WESTERN DISTRICT

Civil Action No. 3:15-CV-00366

DUGAN, et. al,

Plaintiffs,

v.

INVICTUS ASSET MANAGEMENT, LLC, INVICTUS
CAPITAL GROWTH AND INCOME FUND, LLP
INVICTUS HOLDINGS, LLP, TRADEDESK CAPITAL LLC,
TRADEDESK FINANCIAL GROUP, INC., TRADESTREAM
ANALYTICS, LTD., INVICTUS INCOME FUND, LLP,
DAVID W. SCHAMENS, PHILLIPS WIEGAND JR.,
PILIANA M. SCHAMENS, INVICTUS REAL ESTATE
INVESTMENT, LLP, et. al.

Defendants.

RECEIVED
STATESVILLE, NC

MAR 4 2016

Clerk, U. S. Dist. Court
W. Dist. of N. C.

FILED
STATESVILLE, N.C.

MAR 4 2016

U.S. District Court
Western District of N.C.

REPLY TO MOTION FOR ENTRY OF DEFAULT

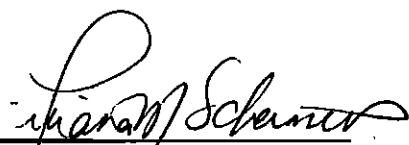
Defendants David W. Schamens and Invictus Real Estate Investment, LLP, individually and as General Partner and sole partner of Invictus Real Estate Investment, LLP, Tradedesk Financial Group, Inc., TradeDesk Capital, LLC and Tradestream Analytics, Ltd., defendants Piliana M. Schamens, individually and as Managing Member of the General Partner of Invictus Capital Growth and Income Fund, LLP and Invictus Income Fund, LLP, and as Member of Invictus Asset Management and the General Partner of Invictus Holdings, LLP replies to the motion for entry of default by Plaintiffs as follows:

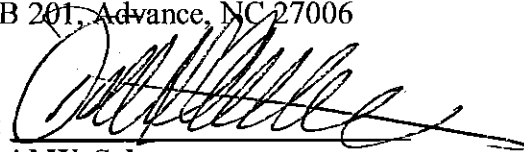
1. Counsel has been retained but is out of state and has yet been unable to complete arrangements with local counsel to pro hac vice with the Court in order to legally file with the Court the appropriate answers and motions due to scheduling conflicts

2. An Answer and corresponding motions have been prepared and ready to be filed upon local counsel completing the agreement to pro hac out of statement counsel. Upon information and belief, these filings will be made on Monday, March 7.
3. As such, this Motion is made in good faith, not for the purposes of delay and is filed prior to the expiration of the time as extended by the Court.

The Defendants thus hereby move the Court, pursuant to Federal Rules of Civil Procedure, for an extension of time to respond to Plaintiff's Complaint (the "Complaint") by Monday, March 7, 2016 and also move that an entry of default not be considered until after such answer and motions have been filed on Monday, March 7, 2016.

Dated: March 4, 2016

By: 
Piliana M. Schamens
Managing Member of the General Partner of ,
INVICTUS CAPITAL GROWTH AND INCOME
FUND, LLP, INVICTUS INCOME FUND, LLP,
INVICTUS HOLDINGS, LLP
Member
INVICTUS ASSET MANAGEMENT, LLC
piliana@tradestreamanalytics.com
Tel.: (212) 537-6163
POB 201, Advance, NC 27006

By: 
David W. Schamens
Managing Director of the Managing Member,
TRADEDESK CAPITAL, LLC
Managing Director
TRADEDESK FINANCIAL GROUP, INC.
TRADESTREAM ANALYTICS, LTD.
General Partner
INVICTUS REAL ESTATE INVESTMENT, LLP
dschamens@tradestreamanalytics.com
Tel.: (212) 537-6867
POB 201, Advance, NC 27006